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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,)	No. CR-09-00547 SBA
)	
12 Plaintiff,)	ORDER GRANTING STIPULATED
)	REQUEST TO SET CHANGE OF PLEA
13 v.)	AND SENTENCING ON FEBRUARY 9,
)	2010 AND TO EXCLUDE TIME UNDER
14 DANIEL WILLIAM VESS)	THE SPEEDY TRIAL ACT
)	
15)	Date: November 17, 2009
)	Time: 9:00 a.m.
16 Defendants.)	Court: Hon. Sandra Brown
)	Armstrong
17)	

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19 Defendant Daniel William Vess and the government jointly requested that the trial setting

20 or change of plea hearing in this matter be vacated as to defendant Vess only and that this matter

21 be set for change of plea and sentencing on February 9, 2010 at 10:00 a.m. The parties further

22 requested that time be excluded under the Speedy Trial Act between November 16, 2009 and

23 February 9, 2010 to allow time for the Court to consider the proposed plea agreement to be

24 entered into by the defendant and the attorney for the government, and to allow time for the

25 preparation of a Presentence Investigation Report by the United States Probation Office.

26 Defendant Vess agreed that the Court may review the pre-plea Presentence Investigation Report

27 even though he has not yet pleaded guilty. Good cause appearing therefor, and pursuant to 18

28 U.S.C. § 3161(h)(1)(G),

1 **IT IS HEREBY ORDERED** that this matter, as to defendant Vess only, is set for
2 change of plea and sentencing on February 9, 2010 at 10:00 a.m., and that time between
3 November 16, 2009 and February 9, 2010 is excluded under the Speedy Trial Act, and
4 specifically pursuant to 18 U.S.C. § 3161(h)(1)(G), for consideration by the Court of a proposed
5 plea agreement to be entered into by the defendant and the attorney for the government.

6 **IT IS FURTHER ORDERED** that the United States Probation Office shall prepare a
7 Presentence Investigation Report.

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9 DATED: _11/17/09


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge